

JAMES SMALLEY,)
)
 Plaintiff,)
)
 vs.) Case No. 4:10CV319 RWS
)
 MICHAEL GAMACHE, et al.,)
)
 Defendants.)

This matter is before me on a letter plaintiff sent to the Clerk of Court requesting additional time to respond to defendants' motion for summary judgment. However, this letter includes plaintiff's response to the motion for summary judgment. These materials are post-marked on January 17, 2013, and therefore are timely received by the Court under the prison mailbox rule. For this reason, plaintiff's request for additional time to respond will be denied as moot.

IT IS HEREBY ORDERED that the Clerk of the Court shall docket plaintiff's letter as a motion for extension of time, which shall be denied as moot.

Sitz u. Sigger

Dated this 24th day of January, 2013.